

Out now: Zeitschrift für vergleichende Rechtswissenschaft (ZVglRWiss) 119 (2020) No. 3

The most recent issue of the German Journal of Comparative Law (Zeitschrift für Vergleichende Rechtswissenschaft) features three articles on private international and comparative law.

The abstracts read:

- **Katharina Beckemper: Bestechung und Bestechlichkeit im geschäftlichen Verkehr - Die gegenläufige Umsetzung des EU-Rahmenbeschlusses 2003/568/JI in Spanien und Deutschland, ZVglRWiss 119 (2020), 277-313**

Criminal law on corruption is largely determined by Union law. This can make a comparison of the national law of two Member States interesting if there have been different implementations in detail as Union law leaves room for interpretation. However, the German legislator did not see any such room for interpretation when, in 2015, it reorganized the facts of bribery and corruption in business dealings. Rather, he felt compelled to introduce the so-called business owner model. Meanwhile, Spain removed a comparable regulation from the relevant facts in the same year. This raises the question of whether European law offers more scope for implementation than the German legislator assumed or whether the Spanish legislator violated the requirements.

- **Patrick Hell: Die Shareholder Proposal Rule des US-amerikanischen Kapitalmarktrechts als Instrument des nachhaltigkeitsorientierten Aktionärsaktivismus, ZVglRWiss 119 (2020), 314-338**

Environmental, social and governance (ESG) issues play a major role on both sides of the Atlantic in the current discussion in corporate and capital market law. Investors are increasingly developing their own ESG standards and are trying to influence ESG issues through direct dialogue with their companies and through voting. This sustainability-oriented shareholder activism has a long tradition in

the United States. The Shareholder Proposal Rule enables non-binding decisions initiated by shareholders. This has led to a significant increase in sustainability-oriented shareholder proposals in recent years. In the following article, this rule will be presented from a historical, dogmatic and functional perspective in order to take a comparative look at German stock corporation law.

▪ **Frederick Rieländer: Der Schutz von Geschäftsgeheimnissen im europäischen Kollisionsrecht, ZVglRWiss 119 (2020), 339-368**

Whilst the Directive (EU) 2016/943 ensures that there is a consistent level of civil redress in the internal market in the event of trade secret violations, the determination of the law applicable to non-contractual claims arising out of trade secret violations raises several unresolved questions. As will be shown hereafter, non-contractual obligations flowing from infringements of trade secrets within the meaning of the Directive ought to be governed by the *lex loci protectionis* principle as enshrined in Art. 8(1) Rome II Regulation. Nevertheless, the law of the country in which the market is distorted applies in so far as claims are based on trade secret violations by means of "unfair competition" within the meaning of Art. 6(1) Rome II Regulation.

The Journal can be accessed here (no open access)